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DE RUEHMD #0910 1341551
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FM AMEMBASSY MADRID
TO RUEHC/SECSTATE WASHDC PRIORITY 2513
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
RUEHGB/AMEMBASSY BAGHDAD PRIORITY 0166
RUEHLA/AMCONSUL BARCELONA PRIORITY 2698
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RHMFISS/HQ USEUCOM VAIHINGEN GE PRIORITY
RHMFIUU/HQ USCENTCOM MACDILL AFB FL PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RUCNFB/FBI WASHDC PRIORITY

UNCLAS MADRID 000910

SIPDIS

SIPDIS
SENSITIVE

EUR/WE FOR ALLEGRONE, CLEMENTS, AND CERVETTI
L/LEI FOR PROPP, KULISH, AND JOHNSON

E.O. 12958: N/A
TAGS: PREL PGOV MARR SP
SUBJECT: SPAIN/COUSO CASE: PROSECUTOR APPEALS CHARGES
AGAINST US SERVICEMEN

REF: A. MADRID 899
     ¶B. MADRID 800 AND OTHERS

(SBU) National Court Chief Prosecutor Javier Zaragoza
contacted the DCM on May 14 to report that on May 11 he had
appealed the decision by National Court Magistrate Santiago
Pedraz to file formal charges against the three US servicemen
named in the case filed by relatives of Spanish cameraman
Jose Couso (reftels). This case now proceeds to the appeals
body within the National Court ("Sala de lo Penal de la
Audiencia Nacional"). This is the same appeals tribunal that
dismissed the Couso case in 2006 on the grounds that Spain
did not have jurisdiction to try the case. The Supreme Court
overturned the decision of the National Court and ruled that
Spain did have jurisdiction, but did not rule on the
substance of the Couso case. Zaragoza told the DCM that,
while he was sympathetic towards the Couso family and there
was strong political pressure related to the Couso legal
case, his job was to make a technical/legal evaluation.
Zaragoza said that his review of the facts led him to
conclude that the killing of Jose Couso by the US servicemen
was not intentional, therefore the servicemen could not be
charged with war crimes or murder. Post will seek a copy of
Zaragoza's appeal to share with the Department.

Aguirre